

10 MARCH 2010

**TOWN BOARD SPECIAL MEETING
TOWN HALL, MAHOPAC, N.Y.**

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 10th day of March 2010 at 7:15 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi, Councilwoman McDonough, Councilman DiCarlo, and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business and a moment of silence was observed to honor those serving in the United States Armed Forces.

PUBLIC HEARING HELD - PROPOSED LOCAL LAW #1 OF 2010 - A LOCAL LAW AMENDING CHAPTER 137, ENTITLED "TAXATION" ("COLD WAR" EXEMPTION)

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

<p style="text-align: center;">LEGAL NOTICE NOTICE OF PUBLIC HEARING</p> <p>NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, March 10, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law Amending Chapter 137, entitled "Taxation" of the Town Code of the Town of Carmel in regard to miscellaneous amendments and additions to the said Chapter 137 of the code, as follows:</p> <p>TOWN OF CARMEL PROPOSED LOCAL LAW # _____ OF THE YEAR 2010</p> <p>BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CARMEL AS FOLLOWS:</p> <p>Section 1: Section 137-19 of the Town Code</p>	<p>is hereby amended to read as follows:</p> <p>Section 137-19. Exemption established</p> <p>Qualifying residential real property owned by veterans who rendered military service to the United States during the "Cold War" shall be exempt from taxation for Town purposes to the extent of fifteen percent of the assessed value of such property, provided, however, that such exemption shall in no event exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the Town of Carmel's latest state equalization rate, whichever is less.</p> <p>SECTION 2. This Local Law shall take effect immediately in accordance with the law.</p> <p>At said Public Hearing, all interested residents shall be heard on the subject thereof.</p> <p>Order of the Town Board of the Town of Carmel Ann Garriss, Town Clerk</p>
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With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:17 p.m. Nine (9) people were in attendance.

Councilman Ravallo explained that the amendment was a token of appreciation to those who served in the military during the "Cold War".

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman DiCarlo, seconded by Councilman Ravallo, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:18 p.m.

PROPOSED LOCAL LAW #1 OF 2010 - TOWN CODE CHAPTER 137 ENTITLED "TAXATION" SEQR DETERMINATION MADE - TYPE II ACTION

RESOLVED that the Town Board of the Town of Carmel hereby determines that, proposed Local Law #1 of 2010 concerning certain miscellaneous additions and amendments to Town of Carmel Town Code Chapter 137 entitled "Taxation" is a Type II action under SEQR and no further review is necessary.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Ravallo

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Anthony DiCarlo	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

LOCAL LAW #1 OF THE YEAR 2010 - A LOCAL LAW AMENDING CHAPTER 137, ENTITLED "TAXATION" ("COLD WAR" EXEMPTION) - ADOPTED AS NOTICED, PUBLISHED AND PRE-FILED

LOCAL LAW # 1 OF THE YEAR 2010
A LOCAL LAW AMENDING CHAPTER 137, ENTITLED "TAXATION"

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CARMEL AS FOLLOWS:

Section 1: Section 137-19 of the Town Code is hereby amended to read as follows:

Section 137-19. Exemption established
Qualifying residential real property owned by veterans who rendered military service to the United States during the "Cold War" shall be exempt from taxation for Town purposes to the extent of fifteen percent of the assessed value of such property, provided, however, that such exemption shall in no event exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the Town of Carmel's latest state equalization rate, whichever is less.

SECTION 2. This Local Law shall take effect immediately in accordance with the law.

Offered by: Councilman Ravallo
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Richard O'Keefe	<u>X</u>	<u> </u>
Carmine DiBattista	<u>X</u>	<u> </u>
Anthony DiCarlo	<u>X</u>	<u> </u>
Robert Ravallo	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

PUBLIC HEARING HELD - PROPOSED LOCAL LAW AMENDING TOWN CODE OF THE TOWN OF CARMEL CHAPTER 119 ENTITLED "SEWER DISTRICTS"

Supervisor Schmitt asked the Town Clerk to read the following Notice of Public Hearing as published in the Town's official newspapers:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, March 10, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law amending Chapter 119, entitled "Sewer Districts" of the Town Code of the Town of Carmel in regard to miscellaneous amendments and additions to the said Chapter 119 of the code as follows:

**TOWN OF CARMEL
PROPOSED LOCAL LAW # __ OF THE YEAR 2010**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CARMEL AS FOLLOWS:

Section 1: Section 119-3 of the Town Code is hereby amended to read as follows:

Section 119-3. Formulas for Assessment of Use Charges

A. Effective upon the adoption of this article, the basis of the charges for sewer users shall be determined by the following schedule of units of use:

(Cont.)

RESIDENTIAL USE	
USE CLASSIFICATION	UNITS OF USE
One-family dwelling:	
One Kitchen:	1.7
Two Kitchens:	3.4
Each separate apartment in a two-family, three-family or multiple dwelling:	1.7
COMMERCIAL USE	
USE CLASSIFICATION	UNITS OF USE
Combination one-family home with a professional or business office in residential zone only:	3.4
Hotel or motels, exclusive of bar or restaurant, each three rooms or part:	1.7
Commercial and industrial establishments	
With three occupants or less ("occupants" are defined as owners, manager or employees) offices and retail:	1.7
For each additional five occupants or part:	1.7
For commercial and industrial establishments in excess of 2,000 square feet the following formula will be used:	
The first 500 square feet of floor area:	2.0
For each additional 100 square feet of floor area or major fraction thereof:	0.2
Schools: public, private or parochial	
Elementary or nursery, for each 30 pupils:	1.7
Junior high school, for each 25 pupils:	1.7
Senior high school, for each 15 pupils:	1.7
Churches, synagogues, temples (including Sunday school):	
For each 50 members:	1.7
Theater:	
For each 25 seats or part:	1.7
Bowling alleys:	
Library	1.7
Club or social establishment	
Each 50 members:	1.7
HIGH USE	
USE CLASSIFICATION	UNITS OF USE
Launderettes, for each single-load machine (per machine):	5.1
Restaurant, including bars	
Thirty (30) seats or less:	17.0
Each four additional seats or part over 30, add:	1.7
For restaurants in excess of 2,000 square feet the following formula will be used:	
First 500 square feet of floor area:	2.0
For each additional 100 square feet of floor area or major fraction thereof:	0.2
Hospitals, including nursing homes, rehabilitation centers, philanthropic associations:	
For each two (2) beds:	1.7
Car Washes (per bay):	17.0
Dry-cleaning establishments:	5.1
Health Spa or Club:	
Each five (5) members:	1.7
B. Other uses not listed above shall be charged on the basis of the number of plumbing fixtures or other method as determined by the Town.	
C. The Town may require that any industries using greater than 270,000 gallons per year be individually metered at the owner's cost and expense.	
SECTION 2. This Local Law shall take effect immediately in accordance with the law.	
At said Public Hearing, all interested residents shall be heard on the subject thereof.	
By Order of the Town Board of the Town of Carmel Ann Garris, Town Clerk	

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(Cont.)

With no one objecting to the public notice as read, Supervisor Schmitt opened the Public Hearing for public comment at 7:24 p.m. Nine (9) people were in attendance.

Supervisor Schmitt called upon Gregory Folchetti, Town Counsel to explain the purpose of the proposed Local Law.

Gregory Folchetti, Town Counsel stated that presently, for residential users where the dwellings are serviced by water meters, the dwellings are assessed in increments of 1.7 units for each 90,000 gallons of annual flow. Under the proposed Local Law the charges will be assessed 1.7 units for one kitchen and 3.4 units for two kitchens. The flow number will no longer be a consideration in residential use. In addition, the proposed Local Law contains some technical language changes in the high use and commercial use classifications.

Supervisor Schmitt confirmed that upon the enactment of the proposed Local Law, the basis of the charges for residential sewer users will no longer be determined by gallons of flow.

Mr. Folchetti stated that at Work Sessions held in October or November, discussion was held regarding the logistical difficulties with monitoring the individual flows of every user in every district to come up with the proper unit allocation for the sewer use.

Supervisor Schmitt added that the Town Assessor and Town Engineering Consultant participated in the discussions.

Mr. Folchetti stated that the allocation for unit use was their recommendation and that he amended the language included in the law to reflect it.

Thomas Carey, Town Financial Consultant, as a representative of the Comptroller's Office requested that the Town Board take into consideration that there are some illegal dwellings with one kitchen, especially in commercial zones, that have numerous residents and produce exorbitant flows.

Councilman Ravallo suggested that accurate flow meters would be the fairest method to charge sewer users. He commented that having a second kitchen in a dwelling does not mean that water usage would double that of a single kitchen dwelling. If there is the same amount of people, it will have no consequence.

Dave Nicholas, owner of residential properties in Town, questioned the affect that the enactment of the proposed Local Law would have on his taxes, as well as the equality of the proposed Local Law if a dwelling with ten residents is paying the same charges as one with only two residents.

Councilman Ravallo explained that theoretically the proposed Local Law should not raise more income for the Town because each sewer district generates only enough revenue to pay the total costs necessary for its proper operation and maintenance. The amendment will affect how much the individuals pay; the Town should collect the same amount of money.

Mr. Nicholas asked what enacting this Local Law will accomplish.

Councilwoman McDonough inquired if at this time, sewer charges are less for users that use less water.

(Cont.)

Mr. Folchetti explained that presently, residential dwellings that are metered are assessed in increments of 1.7 units for each 90,000 gallons of annual flow. The formula included in the proposed Local Law is the present formula for residential unmetered use. Enactment of this Local Law will bring uniformity in that the unit allocation will be based on the number of kitchens within any residential dwelling in a sewer district. Mr. Folchetti added that if the Town Board decides to change the proposed Local Law, a new Public Hearing must be held on the amended version of the Law.

Councilman Ravallo recommended that all users be metered and that all meters should be read.

Mr. Nicholas asked under the proposed Local Law, what would change if the property is unmetered.

Mr. Folchetti stated the purpose for the amendment was to make the Law uniform in its application and that previous discussions held brought forth the issue as to whether or not the offices have the manpower to monitor the use by gallon of every user in the district.

Councilman Ravallo expressed uncertainty with regard to the fairness of the proposed Local Law which he said was precipitated by one resident.

Mr. Folchetti stated that if the Town Board plans on further discussing the proposed Local Law, the subsequent SEQR should not be completed because any changes made could affect the SEQR.

Supervisor Schmitt stated that further discussions will take place and will include the Engineering Consultant, the Assessor, a representative from the Comptroller's office, and the Town Board to determine whether or not to move forward with the amendment.

Councilman Lombardi stated with regard to a one-family dwelling that the number of kitchens does not change the water usage if the amount of people residing in the dwelling remains the same. Residents who have a "summer kitchen" should not be penalized.

Councilman Ravallo commented that the major cost in operating a sewer treatment system is bodily waste; it is the number of people that add to sewer use, not the number of kitchens.

Supervisor Schmitt explained that hours of discussion were held in the Supervisor's conference room with regard to the matter and this amendment was determined to be the best way to address the concerns of a resident. He reiterated that further discussion will be scheduled.

Councilman Ravallo stated that the discussion should occur at a Work Session.

Jerry Ravnitzky inquired about the cost for the installation and reading of water meters. He suggested that meters could be installed that could be read by sensors mounted on the top of vehicles.

Mr. Folchetti noted that new meters were priced out for the districts earlier in the year.

Supervisor Schmitt stated that the technology for wireless meters is available. However, its expense would be significant.

Mr. Ravnitzky stated that his son wrote a paper on equipping postal delivery vehicles with mounted sensors to read various meters thereby making it more cost effective.

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Councilman Ravallo stated that the unit cost of the meters could be obtained from current Town of Carmel vendors with the challenge being to ensure that the meters are read.

James Maxwell asked how a dwelling with a well would be charged.

Councilman Ravallo indicated that the basis for their sewer charges would need to be further appraised.

Mr. Ravnitzky inquired about those dwellings that have a well and a private septic system.

Supervisor Schmitt pointed out that those dwellings are not applicable to the discussion. They do not pay sewer use charges.

With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:45 p.m.

RESOLUTION MAKING SEQR DETERMINATION IN REGARD TO THE PROPOSED LOCAL LAW #2 OF 2010 TOWN CODE CHAPTER 119 ENTITLED “SEWER DISTRICTS”- REMOVED FROM AGENDA

TABLED RESOLUTION FROM 3/3/10 - DEPARTMENT OF RECREATION AND PARKS - CAMARDA PARK - ENTRY INTO LEASE AGREEMENT AUTHORIZED - CARMEL UNITED SOCCER

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes entry into a license agreement with Carmel United Soccer for the use of the meadow at Paul A. Camarda Park in form as attached hereto and made part hereof; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign the aforesaid agreement upon presentation and approval of insurance certificates by Town Counsel, and any related documentation in connection therewith.

Resolution

Offered by: Councilman Ravallo
Seconded by: Councilman DiCarlo

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Ravallo	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Anthony DiCarlo	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

LICENSE AGREEMENT BETWEEN CARMEL UNITED SOCCER
AND
THE TOWN OF CARMEL

THIS LICENSE AGREEMENT, entered into this 1st day of March 2010, by and between the Town of Carmel, a municipal corporation organized and existing under and by virtue of the laws of the State of New York and with offices at 60 McAlpin Avenue, Mahopac, New York 10541 (“Town”) and Carmel United Soccer, with its business address at 11 Collier Drive West, Carmel, New York, 10512 (“Club”); and

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(Cont.)

WHEREAS, the CLUB has requested a license agreement from the Town of Carmel to use the meadow at Paul A. Camarda Park in the Hamlet of Carmel for soccer games and practices for their travel teams;

WHEREAS, the Town of Carmel has duly authorized such use subject to the terms and conditions contained herein;

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties hereby agree as follows:

FIRST: The TOWN hereby gives and grants to the CLUB the use of the meadow at Paul A. Camarda Park for programs conducted by the CLUB for recreational purposes as follows:

1. Tuesday through Friday 5:00 p.m. – dusk (April-June, September-November)
2. Sundays in the Spring from 12:00 p.m. – dusk (April-June)
3. Tuesday through Friday last two weeks in August 5:00 p.m. - dusk
4. Sundays in the Fall from 1:30 p.m. – dusk (September-November)

In the event the CLUB fails to utilize the meadow during the above times, the TOWN reserves the right to allow others to use said meadow. The CLUB's program shall be conducted by and remain under the direct supervision and control of the CLUB, its contractors, agents, servants, and employees.

SECOND: For the use of said facility, the CLUB agrees to make the following improvements to Paul A. Camarda Park and to perform the following maintenance:

1. Supply and install 700' of 4' high black system chain link fence, 3" outside diameter and gate posts 2 1/2" outside diameter line posts; 1 5/8" outside diameter and bottom rail 9 gauge x 2" mesh chain link wire. Schedule #40 pipe framework.
2. Provide new regulation soccer goals.
3. Lay out the fields and maintain the lines.

It is specifically agreed that the improvements contemplated in this article shall become the property of the Town of Carmel upon installation, as well as any other improvements made by the CLUB to Paul A. Camarda Park during the term of this agreement. The improvements set forth herein shall be completed prior to commencement of use by the CLUB set forth in Paragraph "**FIRST.**"

THIRD: This agreement shall be effective for a 4-year period commencing on March 1, 2010, and ending February 28, 2014. This agreement shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties. The Town may terminate this agreement by delivery, by mail or personal service, to the CLUB at its address stated hereinabove a notice of the Town's intention to terminate the said revocable license three (3) days after the delivery of said notice.

FOURTH: The CLUB shall take out and maintain during the life of this agreement such public liability and property damage insurance as shall protect the TOWN and the CLUB from claims from damages for personal injury including accidental death, as well as claims for property damage which may arise from operations under this agreement, and the amounts of such insurance shall be as follows:

A single limit policy in the amount of two million dollars (\$2,000,000.00) for bodily injury and property damage claims, public liability insurance, blanket contractual liability, and broad form property damage liability. The Town of Carmel shall be named as an additional insured on all such policies.

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FIFTH: The CLUB hereby agrees to protect, defend, indemnify, and save harmless the TOWN, its officers and employees from any and all claims, suits or actions for injury or damage to person(s) or property that may arise by reason of the CLUB's use of this facility. The CLUB further agrees to investigate, handle, respond to, provide defense for and defend any such claims, etc. at its sole expense and agrees to bear all costs and expenses relate thereto, even if it (claims, etc.) is groundless, false, or fraudulent. The CLUB, its contractors, agents, servants, employees, patrons and invitees use this facility at their own risk. The CLUB shall be wholly responsible for the supervision, safety, and well-being of all participants at all times.

SIXTH: The parties hereby agree and acknowledge that the Town of Carmel bears no liability or responsibility for the administration, organization of the programs, games, tournaments and activities which the CLUB may organize on the TOWN's facilities pursuant to this license agreement.

IN WITNESS WHEREOF, the parties have executed this agreement in Carmel, New York on the date hereinabove set forth.

TOWN OF CARMEL

CARMEL UNITED SOCCER

By:

By:

Kenneth Schmitt, Town Supervisor

Gene Sepe, Vice President

Date:

Date:

Supervisor Schmitt read the revisions to the Agreement with regard to the days and times authorized for use, as well as, the additional language added to the Agreement with regard to the improvements and maintenance to be performed by Carmel United Soccer at Paul A. Camarda Park. Discussion with James Gilchrist, Director of Recreation and Parks ensued regarding the terms of the Agreement at the conclusion of which, the foregoing resolution was adopted.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman DiCarlo, seconded by Councilwoman McDonough, with all members present and in agreement, the meeting was adjourned at 7:55 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Garris, Town Clerk